



Middlesex County, by filing a complaint on March 20, 2014, entitled *Thomas Carroll Blauvelt, LLC v. Prince & Portnoi, Andrew S. Prince, Mitchell H. Portnoi, and Tobin Kessler Greenstein Caruso Wiener & Conray, P.C.*, Docket No. MID-L-1737-14 ("the Superior Court Action") alleging various purported state law causes of action. Following discussions between Plaintiff's and Defendants' counsel, on June 5, 2014, Plaintiff filed an amended complaint alleging that "the Defendants improperly copied from the Blauvelt Firm's website various internet code which was proprietary and protected by copyright," and adding a claim for damage to Plaintiff's property in its website, *i.e.*, copyright infringement. Said Superior Court Action is now pending in this Court. (A true copy of the complaint and amended complaint are attached hereto as Exhs. A and B.)

2. The Amended Complaint was received by Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi on or after June 5, 2014.

3. Exhibit A and Exhibit B, incorporated hereto by reference, constitute true and correct copies of all pleadings, process, and orders served upon Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi to date.

4. There have been no other proceedings in the Superior Court Action.

5. The United States District Court has exclusive jurisdiction over the Superior Court Action pursuant to 28 U.S.C. § 1338(a), and therefore this action may be removed to this Court by Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi pursuant to 28 U.S.C. §§ 1441 and 1446.

6. The matter in controversy in the Superior Court Action is predicated on Plaintiff's claim that the Defendants' website infringed upon Plaintiffs' intellectual property rights, including federal copyright rights.

7. Pursuant to 28 U.S.C. § 1338(a) the district courts have exclusive jurisdiction of civil actions arising under any Act of Congress related to copyrights.

8. All defendants that have been properly joined and served in the Superior Court Action, *i.e.*, Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi, join in the removal of the Superior Court Action to this Court. Defendant Tobin Kessler Greenstein Caruso Wiener & Conray, P.C. has not been served with the original Complaint (Exh. A), the Amended Complaint (Exh. B), nor any other pleading in the Superior Court Action.

9. This Notice of Removal is filed with this Court within thirty (30) days of receipt by Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi "through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable" as provided by 28 U.S.C. § 1446(b)(3).

10. By filing this notice, Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi do not waive any defenses that may be available to them, specifically including, but not limited to, improper service of process.

11. Upon filing the within Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, a copy of this Notice of Removal is also being filed with the Deputy Clerk of the Superior Court of New Jersey, Middlesex County, Law Division, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, NJ 08901, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. § 1446(d).

12. Upon filing the within Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, written notice of this Notice of Removal is also being provided directly to counsel for Plaintiff.

13. A copy of all process, pleadings, and orders served upon Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi is filed with this notice.

WHEREFORE, Defendants Prince & Portnoi, P.C., Andrew S. Prince, and Mitchell H. Portnoi request that the action proceed in this Court as an action properly removed to it.

Respectfully submitted,

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KRUMHOLZ & MENTLIK, LLP  
*Attorneys for Defendants Prince & Portnoi, P.C.,  
Andrew S. Prince, and Mitchell H. Portnoi*

Dated: June 24, 2014

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**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that other than the State Court action which is the subject of this Notice of Removal, the matter in controversy herein is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: June 24, 2014

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